

***Claim Objections***

1. Claims 4-10 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend from any other multiple dependent claim. See MPEP § 608.01(n). Accordingly, the claims 4-10 have not been further treated on the merits.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-3 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. Regarding claim 1, the phrase “especially ski and snowboard linings and bearing coatings” renders the claim indefinite because it is not clear whether the scope of the claim covers other types of coatings or only ski and snowboard linings and bearing coatings. For the sake of compact prosecution, the claim has been interpreted as if the phrase in question were not there.

5. Also regarding claim 1, the phrase “preferably < 1 %” renders the claim indefinite because it is not clear whether the scope of the claim covers porosities between 1% and 10 % as indicated by the preceding recitation “0 to 10 %.” For the sake of compact

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prosecution, the claim has been interpreted as if the phrase "preferably < 1 %" were not there.

6. Regarding claim 3, the phrase "or the like" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "or the like"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d). For the sake of compact prosecution, the claim has been interpreted as if the phrase "or the like" were not there.

7.

### ***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

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10. Claims 1 and 3 rejected under 35 U.S.C. 103(a) as being unpatentable over Johnard et al. (US 6,251,331 B1), henceforth Johnard, in view of Rosenblatt (US 3,775,170).

Regarding claim 1, Johnard teaches a process for manufacturing foils for coatings by spreading polypropylene or polyethylene (col 1 ln 59) powder (col 4 ln 4-5) on a sintering belt (fig 1 part 1) circulating in a sintering furnace, thermally sintered (col 2 ln 44) and compacted by smoothing rollers (fig 1 parts 4) to form a foil material.

Johnard does not address the foil's porosity. However, Rosenblatt teaches that lower porosity makes a polymeric product stronger (col 17 ln 26-33). Therefore it would have been obvious to one of ordinary skill in the art to modify the Johnard's method to minimize porosity in the polymer foil because Rosenblatt teaches that doing so makes the product stronger.

Regarding claim 3, Johnard teaches that the foil web is coated with another foil material during the compacting step (col 6 ln 52-54).

11. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Johnard in view of Rosenblatt as applied to claim 1 above, and further in view of Erlandson et al. (US 4,009,234), henceforth Erlandson.

Johnard does not teach cooling with a water bath or a fan. However, Erlandson teaches cooling the freshly compacted material in a water bath or with air (col 3 ln 17-21) to adjust the crystallinity (col 3 ln 39-45). Therefore it would have been obvious to one of ordinary skill in the art to cool the foil after compacting with a water bath or a fan

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in the method taught by Johnard because Erlandson teaches doing so to control the product's crystallinity.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Magali P. Théodore whose telephone number is (571) 270-3960. The examiner can normally be reached on Monday through Friday 9:00 a.m. to 5:30 p.m. EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina A. Johnson can be reached on (571) 272-1176. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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